

**From:** Bob Lindinger  
**To:** Microsoft ATR  
**Date:** 1/4/02 7:07pm  
**Subject:** Microsoft Settlement

To: Department of Justice

re. United States v. Microsoft Settlement

On November 6, 2001, the United States and Microsoft tentatively agreed to the entry of a revised proposed Final Judgment to resolve the United States' civil antitrust case against Microsoft.

Per my rights under the Tunney Act, I am writing to express my opinion that the Microsoft antitrust case should be settled as quickly as possible, rather than litigated further. I am very pleased with the proposed settlement; it is tough, but reasonable and fair to all parties involved.

I am a consumer that uses many Microsoft products, including their Windows operating system. I have never felt "harmed" by Microsoft, on the contrary, I believe that their business practice is based on a virtuous, positive feed-back, business cycle based on very low price points leading to very high sales volume. This business model ideally suits the consumer who benefits from low prices.

Microsoft has always designed software for mass consumption. Bill Gates realized early on, that if he could design software suitable for a mass market, he could sell it at very low prices and make profits based on large unit sales. Excess profits could be reinvested in innovation and R&D to improve the software and make it more attractive to consumers and businesses. Hence, the positive feedback cycle. That is why Windows has been such a huge success. Windows is excellent software priced very reasonably. Each version becomes more user-friendly and powerful, with new features to make it easier to browse the Internet, work with digital photographs, digital music, etc.

I believe there can be no monopoly in software. If Microsoft fails to continually improve Windows, a competitor will eventually emerge that offers a better operating system at a lower price. Already we are seeing the emergence of an alternative operating system offered for "free" by Linux. This is gaining wide acceptance in some business circles and, if Microsoft were to stop improving Windows, it would only be a matter of time before Linux or some other alternative from Sun, IBM, Apple, Sony, Computer Associates, SAP (the German software giant), or many other competitors, would start taking market share from Microsoft.

I do not dispute that Microsoft, right now, has a "monopoly" for desktop personal computer operating systems. However, Microsoft earned it by constantly innovating and keeping prices low. Other competitors have demonstrated that they can compete with Microsoft. Netscape was not inhibited from developing its browser, that threatened Microsoft's position. Sun Microsystems has developed its Java

language and is promoting it aggressively.

I believe the saying that high tech is a contact sport that should only be played in the marketplace, not in the courts. Microsoft's competitors are the one's pushing for further litigation, not consumers or businesses that use Microsoft products.

The competitors would have us believe that no one can compete with the mighty Microsoft. I guess they don't remember all those prime-time TV commercials a few years ago for OS/2 ? that dandy little operating system from a wee little start-up called International Business Machines (IBM). But guess what? Nobody bought OS/2, because it was expensive and not as good as Windows.

Lindows.com is preparing to launch early next year an operating system that can run both Linux and Windows applications on a PC, or run as a second operating system on a Windows machine. The point: to offer an alternative to Windows, to eliminate the frustrations that Lindows.com's CEO, Robertson, says accompany installation and use of the Linux operating system, and to let Windows users run Linux programs without having to jettison Windows. If that's not different enough, he'll sell the Lindows operating system for just \$99, primarily in digital format, and with flexible licensing.

Clearly, Microsoft must continuously innovate to fend off competition. Those labeling Microsoft a monopolist just do not understand how quickly a "monopoly" can vanish in the world of high technology.

Our country would be served well if the antitrust case against Microsoft is settled as quickly as possible. It will be good for our high tech industry, and be in the best interest of consumers?supposedly the intended beneficiaries of any antitrust litigation.

Finally, on a personal note, I think Scott McNealy is the biggest crybaby the business world has ever seen. I also think Larry Ellison should get a life and stop worrying about his relative net worth compared to that of Bill Gates. Neither of these high tech CEOs have Bill Gate's vision for providing software to empower the masses and they both are trying to use the courts to gain a competitive advantage. In the words of our President, George W. Bush, let's innovate, not litigate.

Sincerely,

Robert J. Lindinger

Schenectady, NY

CC: Halpy,Big Al,Anne,BamBam,Barry,Big Ed,Damian Thoma...